

## **REMARKS**

### **I. PRELIMINARY REMARKS**

Claims 47, 48, 51, 52, 54 and 68-70 have been amended. Claims 50, 65, 87 and 108 have been canceled. Claim 109 has been added. Claims 45, 47, 48, 51-54, 68-71, 73-81, 83-86, 89, 90, 92-96, 99-107 and 109 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Claims 45, 71, 75-79, 95, 96, 101 and 104 have been allowed.

### **II. INTERVIEW SUMMARY**

Applicant wishes to thank the Examiner for the courtesy of a telephonic interview conducted with the undersigned representative on April 12, 2011. During the interview, the Examiner indicated that:

1. the amendment filed February 25, 2011 was not entered;
2. certain claims have been rejected under the judicially created doctrine of obviousness-type double patenting; and
3. the amendments to the claims presented above would overcome all of the outstanding rejections based on prior art.

### **III. DOUBLE PATENTING**

Various claims have been rejected under the judicially created doctrine of obviousness-type double patenting. Applicant respectfully submits that the obviousness-type double patenting rejection has been obviated by the Terminal Disclaimer attached hereto. Applicant notes for the record that the filing of a Terminal Disclaimer serves only to remove the obviousness-type double patenting rejection and raises neither a presumption, nor an estoppel, with respect to the merits of the rejection. *See Quad Environmental Technologies v. Union Sanitation District*, 20 USPQ2d 1393, 1394-95 (Fed. Cir. 1991).

#### **IV. REJECTION UNDER 35 U.S.C. §§ 102 AND 103**

Claims 47, 48, 50, 51, 53, 54, 68, 80, 81, 89 and 90 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,378,234 to Hammerslag (“Hammerslag”).

Claims 52, 83-86, 106, 107 and 108 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,450,948 to Matsuura (“Matsuura”).

Claims 69, 70, 73, 74, 92-94, 99, 100, 102 and 103 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,934,340 to Ebling (“Ebling”).

Claims 65 and 87 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,378,234 to Hammerslag (“Hammerslag”), U.S. Patent No. 4,934,340 to Ebling (“Ebling”) and U.S. Pat. No. 5,695,483 to Samson (“Samson”).

Applicant respectfully submits that, for the reasons discussed during the interview, the rejections under 35 U.S.C. § 102 have been obviated by the amendments above and should be withdrawn. Additionally, as claims 65 and 87 have been canceled, it is respectfully submitted that the rejection under 35 U.S.C. § 103 has been rendered moot.

Applicant notes for the record that the amendments are not an acquiescence to the rejections under 35 U.S.C. §§ 102 and 103. Instead, the amendments are an attempt to expedite issuance of a patent directed to the subject matter which the Examiner has indicated as being allowable. Applicant reserves the right to pursue additional patent protection directed to, for example, the subject matter defined by the claims amended and/or canceled above in a continuation application.

#### **V. CLOSING REMARKS**

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,

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Date

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